

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Robert Belcher
***dba* Trimline Boston South Shore Inc.**

Chapter 13
Case Number 22-10560-JEB
Honorable Janet E Bostwick

Debtor

**MOTION OF FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR
AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362 AND 11 U.S.C. § 1301**

The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4, a secured lien holder in the above captioned Chapter 13 proceeding, moves this court for an order, pursuant to 11 U.S.C. §362(d), 11 U.S.C. §1301(c) and Rule 4001 of the Rules of Bankruptcy Procedure for relief from the automatic stay of 11 U.S.C. §362(a) and 11 U.S.C. §1301(a) so that it may foreclose a mortgage which it holds on real property known and numbered as 590 Truman Highway a/k/a 590 Truman Parkway, Hyde Park, MA 02136 and commence a summary process action against occupants of the Property. In support of its motion, The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 states the following:

1. On December 22, 2005, Debtor Robert Belcher executed a note to Union Federal Bank of Indianapolis in the original principal amount of \$412,000.00 (the "Note"). The Note was subsequently endorsed to the movant herein.
2. The Note is secured by a mortgage from Debtor Robert Belcher and non-filing Co-Debtor Zarina Belcher to Mortgage Electronic Registration Systems, Inc. dated December 22, 2005 and registered with Suffolk County Registry District of the Land Court as Document Number 713600

noted on Certificate of Title Number 117651, subsequently assigned to The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 by assignment dated April 26, 2010 and registered with Suffolk County Registry District of the Land Court as Document Number 777619 noted on Certificate of Title Number 117651. The Mortgage is a first mortgage on real property owned by the Debtor and non-filing Co-Debtor known and numbered as 590 Truman Highway a/k/a 590 Truman Parkway, Hyde Park, MA 02136 (the "Property").

3. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 is the current holder of the Mortgage.

4. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 is the current holder of the Note.

5. Select Portfolio Servicing, Inc. is the servicing agent for The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4.

6. The entity which has the right to foreclose is: The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 by virtue of being the holder and owner of the note.

7. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Note-holder or has been duly endorsed.

8. Select Portfolio Servicing, Inc. services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor(s) receive a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4, which is the entity that has the right to foreclose by virtue of being owner and holder of the note.

9. On April 27, 2022, the Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code; such case was later converted to a Chapter 13 Bankruptcy on July 20, 2022.

10. The Debtor's Chapter 13 Plan has not been confirmed.

11. As of December 14, 2022, the Note and the Mortgage are in post-petition default for the June 1, 2022 payment and all subsequent payments in the net total amount \$17,453.84.

12. There is no other collateral securing the obligation.

13. According to Debtor's Schedule A, the fair market value of the Property is \$320,000.00. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 estimates that the liquidation value of the Property is no greater than \$300,800.00, which is the market value minus 6% for the cost of sale.

14. To the knowledge and belief of The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4, there is no declaration of homestead recorded against the Property.

15. As of December 14, 2022, the total outstanding balance owed on the Note was \$741,963.29.

16. As of December 14, 2022, the estimated amount of encumbrances on the Property is \$741,963.29 as The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 is not aware of any other liens on the Property.

17. The Debtor's arrearage at the time of filing totaled \$446,162.72. *See* Proof of Claim 2-1.

18. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. §362(d)(1) because the Debtor has not made payments pursuant to the Note and Mortgage.

19. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. §362(d)(2) because the Debtor has no equity in the Property and the Property is not necessary for an effective reorganization.

20. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage

Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 is entitled to relief from the co-debtor automatic stay under 11 U.S.C. §1301(c) because the on-going delinquency of the Note and Mortgage would irreparably harm The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4's interest if the co-debtor automatic stay were to remain in place.

WHEREFORE, The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 moves that the court enter an order granting The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 relief from the automatic stay pursuant to 11 U.S.C. §362(d) and 11 U.S.C. §1301(c) so that it, and its successors and assigns, may exercise its rights pursuant to the Note and Mortgage in accordance with applicable state and federal law, and may commence a summary process action against occupants of the Property. The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates, Series 2006-AR4 moves that entry of the Order shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3).

Respectfully Submitted,

The Bank of New York Mellon formerly
known as The Bank of New York as
successor Trustee to JPMorgan Chase Bank,
N.A., as Trustee for the Certificateholders of
Structured Asset Mortgage Investments II
Trust 2006-AR4 Mortgage Pass-Through
Certificates, Series 2006-AR4
By its attorneys,

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Date: March 2, 2023